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# Streamlining Guidelines

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The Development  
Review Process



Ontario

Ministry of  
Municipal  
Affairs

Ministry  
of  
Housing







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On April 9, 1992, the Minister of Municipal Affairs outlined a comprehensive strategy to speed up land-use planning decisions that would be environmentally sound and would support Ontario's economic recovery. The strategy focuses on improving the land-use planning decision-making process to create new opportunities for jobs in the construction and development industries.

As part of this economic recovery strategy, the government is clarifying and consolidating its policies and requirements for good planning decisions so people know, up front, what the rules are. These policies, requirements and recommendations will be issued in a series of guidelines.

Streamlining Guidelines from the Ministry of Municipal Affairs are the first in the series.

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## ACKNOWLEDGEMENTS

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cations, the Environment, Industry, Trade and Technology, Natural Resources, Tourism and Recreation, and Transportation.

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# TABLE OF CONTENTS

Introduction: Streamlining the Development Review Process .....	1
---	---

Time Frames for Municipalities and Provincial Agencies .....	2
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## **Guidelines:**

### *Municipal Guidelines*

1. Municipal Action .....	7
2. Improving Operations .....	9
3. Decision-Making .....	12
4. Project Management .....	14
5. Streamlining Official Plans and Zoning By-Laws .....	16

### *Agency Guidelines*

6. Agency Review Process .....	22
--------------------------------	----

### *Proponent Guidelines*

7. The Proponent's Role .....	26
8. Pre-Consultation .....	28
9. Public Consultation .....	30
10. Improving Applications .....	32
11. Managing the Application .....	35



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# INTRODUCTION: STREAMLINING THE DEVELOPMENT REVIEW PROCESS

Managing the development review and approval process more efficiently is one of the important areas of action identified in the Land Use Planning for Housing Policy Statement and the government's strategy to speed up land use planning decisions that would support Ontario's economic recovery. "Streamlining" is defined as the means of reducing the time spent on development approvals.

It should also be noted that the suggestions contained in these Guidelines were prepared for development proposals that are generally in keeping with provincial and local policy requirements (e.g., provincial interests, local and regional/county official plans, environmental protection.)

Streamlining means making the right decision faster, without compromising public interests or reducing the quality of the review. *Streamlining measures are in no way intended to ignore environmental impact analysis or to cut out public participation in the review process.* Rather, the purpose is to ensure that the "downtime" on all applications is minimized. By identifying and eliminating unnecessary duplication and other "time wasters" that have crept into the process, it will be possible to simplify and shorten the process from beginning to end - and that should allow for more emphasis on the quality of review.

The wide range of public interest in how land is used is reflected in the number of players in the planning approval process. There are the proponents, approval authorities (e.g., municipalities, counties, regions, Ministry of Municipal Affairs), review agencies, and the public. (e.g. Ministries of Agriculture and Food, Culture and

Communications, Environment, Municipal Affairs, Natural Resources and Transportation, School Boards, Conservation Authorities, etc.)

Streamlining the development review process means different things to different people. For the proponent, it means reducing the amount of time it takes for a development application to make its way through the approval process. For the approval authority, it means keeping to a defined schedule while protecting public interests. For the review agency, it means becoming more efficient in the way staff and resources are allocated, while carrying out the agency's mandate. For the public, it means maintaining and improving the quality of decision-making while optimizing opportunities for public involvement. The bottom line? For everyone involved, efficient and effective planning decisions.

The eleven Guidelines contain useful recommendations for the different participants in the planning process. Time Frames for Municipalities and Provincial Agencies is a general guideline for all participants. Guidelines 1-5 are targeted to municipalities; Guidelines 6 to review agencies; and Guidelines 7-11 to development proponents. Readers are encouraged to familiarize themselves with all the Guidelines. This will foster a better understanding of the development review process, the roles and responsibilities of other those involved in the process and what every player can do to improve efficiency in their part in the process.



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# TIME FRAMES FOR MUNICIPALITIES AND PROVINCIAL AGENCIES

The province's Land Use Planning for Housing Policy Statement requires that each municipal council make a commitment in its Official Plan to streamline its planning process. This is to be accomplished by identifying time frames for processing each type of development application and, where necessary, by implementing new procedures and methods that will enable the municipality to meet the time frame targets.

This Guideline sets out the major steps in arriving at a decision on subdivision, condominium or official plan amendment applications. The Guideline outlines a target time frame of 180 days for the municipal decision and 90 days for the provincial decision on such applications. As targets, they are general guides for participants in the process. For the municipality they should provide a scheduling tool for managing applications. For the proponent, they provide an overview of the total time it should take for a decision. For review agencies, they indicate the time allowed for the resolution of issues and decisions.

These targets are reasonable time frames for development applications that do not involve significant policy changes, do not present major environmental concerns, and are on urban services. These target time frames should be achievable for the majority of applications. Development proposals which require review and additional public input on policy decisions, or which entail finding resolutions to major environmental and servicing concerns, will take longer.

## Making Time Frames Official Plan Policy

To establish time frames as part of official plan policy, municipalities will need to undertake six steps.

- Analyze the existing process to determine how long it takes for a straightforward application to get approval (straightforward means no major policy changes, no major environmental concerns and on urban services).
- Develop a target time frame.
- Compare the actual time taken to the target time frame.
- Implement streamlining measures in order to develop the best time frame for your municipality.
- Include this model in your official plan.
- Monitor progress over time and make further improvements as necessary.

The first step in establishing target time frames is to find out how long it takes for a straightforward application to get through the system. Some municipalities already have in place a tracking system that enables staff to know where an application is at any given time, and what the next action should be. For others, this first step will involve setting up a system to track applications through the process.

Develop a target time frame. Is it reasonable? Compare the actual time taken to the target. If the time taken frequently exceeds the target time frame, try some of the initiatives in this series, or some of your own, to improve the time frame.



The result of this exercise should be a model of the planning process — depicting each step, how it is to work in the municipality and how long each step should reasonably take. This model should form part of your official plan. The great majority of the straightforward applications should be processed within the target time frame. For example, the municipality may strive to process 85% of applications within the target time frame, with 15% taking longer because of significant complications. The official plan should reflect this target while maintaining some flexibility. A commitment to meeting time frames will increase certainty in the process.

As a follow-up it will be important to monitor your progress over time and make adjustments when necessary. The Land Use Planning for Housing Policy Statement requires municipalities to review every two years how targets for processing land use planning applications are being achieved. Successful monitoring models are being used in several municipal planning departments. The province is currently enhancing its existing data base in order to monitor housing development and housing policies.

## **Municipal Target Time Frames**

Based on the work of the Streamlining Task Force, a target time frame of 180 days for straightforward subdivision, condominium and official plan amendment applications has been developed for municipal decisions. For these types of applications, it is useful to separate the development review and approval process in to three interrelated phases:

- Screening the Application;
- Consultation with Review Agencies and Public; and
- Decision-Making.

This Guideline provides an overview of each of these phases and examples of some of the techniques that are suitable at each phase.

Guidelines 1-5 in this series explore streamlining measures in greater detail.

### **Screening the Application (30 days)**

The municipality should establish a time frame for itself, approximately 30 days, to review the merits of an application and determine its completeness. In some cases, this first stage need not take 30 days.

Some of the identified time-saving techniques include:

- Encourage the proponent to consult the municipality and the community before the application is submitted.
- Provide a detailed checklist of what is required from the proponent for each type of development application.
- Provide standards, guidelines and development review checklists of all review or approval agencies to ensure that the proponent understands what is required in the application.
- Identify the municipal planner who will be responsible for tracking the application through the development review process.

Many developers who include the public early on in the process have greater success in managing their projects later on. Even at this early stage, the municipality should encourage the proponent to make the public aware of proposed planning changes through informal meetings and discussions. This may be as simple as the proponent sitting down face to face with neighbours in their living rooms and letting them know about the planned project. It could also take the form of larger meetings with local ratepayer associations. In this way, the proponent can seek out public input so that there is a better understanding of how a new project will fit in with the existing community.

Pre-screening applications to ensure that the necessary components are in place is an essential step towards eliminating documents



which are out of step with the Official Plan or provincial policies or lack sufficient information to be appropriately reviewed. If this is done, incomplete or inadequate applications can be identified and dealt with appropriately so that delays are prevented later in the process.

Applications should not be circulated if they are incomplete, do not meet standards, do not have the necessary accompanying reports and/or do not conform to the general intent of the official plan and/or provincial policies. This ensures that staff time and resources are spent on reviewing properly prepared applications. When applications are incomplete, the municipality should decide on appropriate action. For example, the application could be returned to the proponent with a request for further information and changes, or be refused without circulation. One of the purposes of screening the application is to separate applications that conform to the official plan, do not anticipate major environmental concerns and are on urban services from those applications that are controversial, non-conforming or incomplete.

### **Consultation with Review Agencies and Public (90 days)**

If the application is complete, it is ready to be circulated to review agencies for comments and for consultation with the public. A time frame of no more than 90 days should be allocated to this stage of the process. This should allow time for all relevant agencies to provide a thorough review of the application and either to approve, object or advise of significant concern with the application. In some cases, 30 to 60 days should be adequate. At the same time, the municipality may advise and receive input from the community — for example, at a public meeting regarding an official plan amendment, as required under the Planning Act.

Techniques to expedite meeting this time frame are covered elsewhere in these Guidelines.

They include:

- Encouraging the proponent to pre-consult with all necessary review agencies before submitting a formal application.
- Exercising judgment in deciding which review agencies receive the application for comment.
- Avoiding unnecessary duplication in the circulation process.
- Encouraging review agencies to streamline their procedures for commenting on routine development applications.
- Using electronic means of transmitting documents, correspondence and official responses (with original to follow where necessary).

It should be possible for all affected review agencies either to recommend approval of the application, with or without conditions, or to recommend refusal within this time frame.

Agencies which do not request an extension from the approval authority and which have not responded within the specified time limit can be considered as having no objections. If a decision cannot be reached because of unresolved differences between the review agency and the proponent, then the next phase of the process is activated.

### **Decision-Making (60 days)**

At this stage in the process, the municipality should play a lead role in bringing the proponent and the review agency (or other objector) together to negotiate an acceptable resolution. The municipality should endeavour to render a decision in a time frame of 60 days. If negotiations are still proceeding at the end of this 60-day period, the proponent may request that the negotiation process be extended. However, the municipality has an obligation to make a decision without undue delay, basing its decision on good planning principles and the public interest.



## Municipal Target Time Frames for Development Approvals

Screening the Application	Consultation with Review Agencies and Public	Decision-Making
<p>Either declare incomplete and/or premature; or process and circulate.</p> <p>Decision can be expedited if proponent pre-consults with municipality and agencies.</p>	<p>Circulate to departments and agencies.</p> <p>Consult with public.</p> <p>Time frame can be met if:</p> <ul style="list-style-type: none"> <li>- proponent has pre-consulted;</li> <li>- review agencies streamline operations;</li> <li>- unnecessary duplication in the circulation is avoided;</li> <li>- concurrent public consultation;</li> <li>- project management is exercised by the approval authority and proponent.</li> </ul>	<p>Consider comments received.</p> <p>Municipality to play lead role in resolving outstanding concerns, conflicts.</p> <p>Decide to approve, refuse, etc.</p>
30 DAYS	90 DAYS	60 DAYS

### Provincial Target Time Frames

The province has committed to a target time frame of 90 days for decisions on straight-forward subdivision, condominium and official plan amendment applications once they have been screened. Other applications that are controversial and do not conform to municipal plans will take longer. As in the municipal development review and approval process, the applications submitted to the Ministry of Municipal Affairs for approval would also go through three phases:

- Screening the Application;
- Circulation to Review Agencies; and
- Decision-Making.

#### Screening the Application

Any application for a subdivision, condominium or official plan amendment approval received by the Ministry of Municipal Affairs will first be screened for completeness, for information required under the *Planning Act*, and for studies, reports and standards required by the



provincial agencies. The development proposal also will be screened to determine general conformity with local and regional official plans as well as provincial policies (eg. policy statements, guidelines, etc.).

Complete applications with the appropriate supporting background information and in general conformity with government policies may proceed to the next phase: circulation to review agencies. However, those applications that are deemed to be incomplete, missing information, premature or non-conforming may be returned to the applicant, held until the proponent provides additional information, or refused.

#### **Circulation to Review Agencies (60 days)**

For those straightforward applications that have been screened and are ready to be circulated to review agencies for comments, the province has made a commitment to complete the circulation process in 60 days. Each application will also be reviewed to determine which agencies should be asked for comments. If an official plan amendment, for example, has previously been circulated by the municipality to each of

the key agencies and all concerns resolved, the province may decide that its circulation of the document can be reduced or even waived. Circulated agencies will have 60 days to review the application thoroughly and either approve, object or advise of significant concerns with the application.

#### **Decision-Making (30 days)**

In this phase, the Ministry of Municipal Affairs will make a decision on the application within 30 days. This time is needed to resolve any outstanding concerns raised by agencies and the municipality. Outstanding public concerns and referral requests will also be reviewed during this period. A decision then can be made to approve, approve with modifications and/or conditions, refer to the Ontario Municipal Board, or refuse the application. Draft approval of plans of subdivision and condominium will probably take the full 30 days, as the preparation of conditions of draft plan approval usually requires coordination and discussion with the proponent, municipality and relevant agencies.



# GUIDELINE 1

## MUNICIPAL ACTION

Municipalities are responsible for receiving, circulating and, in most cases, making decisions on development applications. The municipality is responsible for keeping things moving to a defined schedule while protecting community values and the public interest. Municipal officials must pursue their concern for an efficient planning process — without compromising the quality of the review.

Perhaps the best way municipalities can achieve these goals is by ensuring that their planning documents reflect a well-defined vision of how the community is to develop. Forward-looking official plans which set out the ground rules for how growth is to proceed should minimize the need for frequent amendments and the need to make policy in reaction to development applications.

An efficient planning approval process and an up-to-date, forward-looking official plan can work to the municipality's advantage. Effective administration can demonstrate to other participants in the process the municipality's leadership role in establishing and maintaining a well organized and managed decision-making process. This sends a clear message to the other participants, particularly the development industry, that the process is consistent and predictable. From an operational point of view, streamlining can keep workloads within reason, while providing a better level of service to the public and development industry.

There is a wide selection of actions that the municipality can take to streamline the development review and approval process:

- Create a positive policy framework.
- Improve operations to ensure a timely review.

- Manage decision-making by delegating authority and consolidating applications.
- Take an active role in project management of the circulation and review process.

### Creating a Positive Policy Framework

There are a number of strategic initiatives at the policy level that will go a long way in helping to streamline the approval process, thereby providing more certainty to the public and developers. These broader initiatives serve to provide the necessary resources and context that can make improvements in efficiency possible.

#### Prepare a development staging policy

The official plan should contain a development staging policy which establishes the rules of the development process in the municipality and provides both the municipality and the development industry with a schedule outlining the timing of development. For example, the Implementation Guideline for the Land Use Planning for Housing Policy Statement sets out initiatives to increase the supply of serviced land for housing. These include developing projections for land needs over the short, medium and long term, as well as designating a minimum 10-year supply of residential land and establishing a three-year target of subdivided land. These and similar measures from the Policy Statement can be included as a development staging policy in the official plan.



### **Keep official plans current and up to date**

If the official plan tells all the players in the process what's planned for the future in a given area, it becomes a useful tool to guide proponents in mapping out their development options. An up-to-date official plan is invaluable in pre-screening applications at the municipal level to determine whether an application is appropriate and feasible. It also assists review agencies in their assessment of applications.

Section 26(1) of the Planning Act requires municipalities, not less frequently than every five years, to hold a special meeting, open to the public, to determine the need for revision to the official plan. Regular reviews are important to keep the official plan reflective of changing circumstances such as economic, demographic, or environmental trends, cumulative impacts of development, and new community needs and values.

The official plan should be clear, concise and easy to understand, while containing enough information for the public and proponents. Developers are looking for certainty and guidance in local official plans. In framing the direction for development, the plan should be comprehensive, but not worded so precisely that amendments are required for developments not consistent with those precisely worded directions. A good plan will minimize the requirement for time-consuming amendments for minor aspects of developments or developments which meet the direction and policies of the plan.

### **Develop a comprehensive data base at the upper or lower tier level**

Compiling a comprehensive data base at the upper or lower tier level can aid the process considerably by avoiding the time and expense of duplicate studies or data collection. It may entail collection of information and preparation of studies for key policy areas including: growth and settlement areas; floodplains; wetlands; fisheries; water resources management; noise; heritage and archaeology; transportation; and waste management. This work, when performed early in the process, will enable municipalities to refine their official plans in order to direct development in a clear and comprehensive manner.

### **Establish an advisory committee on streamlining**

Some municipalities have established committees or groups which monitor the operations of the plan review process. The committee could have one or more of the following functions:

- identifying areas where efficiency improvements are possible;
- assessing the progress being made in areas targeted for improvement; and
- recommending improvements to consultation methods with review agencies and the public.



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## GUIDELINE 2

# IMPROVING OPERATIONS

The municipal role in the land use planning and development approval process is to ensure that decisions are made on the basis of good land use planning principles — and in a timely manner. For this to occur, the municipality should review internal operations, maintaining a tighter time framework for the approval process and reducing the time spent in review and circulation. A fresh look at the manner in which operations are performed can often result in identification of several opportunities for improving efficiency.

### Dealing with the Proponent

The proponent looks to the municipality for guidance on what constitutes a complete application. A proponent new to an area looks for an outline of the municipality's review process, such as a manual or flow chart. This avoids problems such as incomplete applications, delays, and unnecessary duplication of effort.

The municipality can minimize surprises at the front counter and simplify the process by taking the following steps:

- Confirm with the proponent exactly what constitutes a complete application by providing a checklist of requirements for each type of development proposal. For example, a subdivision application should meet the list of requirements as set out in Section 51(2) of the Planning Act. The checklist should also identify which studies or supporting documentation are likely to be required from the review agencies, as well as other details required by the municipality.
- Adopt the policy that incomplete applications will not be circulated but will be returned promptly to the proponent indicating what material is missing.
- Obtain and make available to development proponents the standards, guidelines and development review checklists of all review or approval agencies. This is an important first step in ensuring that all applications are complete and the proponent is aware of the requirements of all review agencies.
- Encourage the proponent to pre-consult with as many of the review agencies as possible in order to become familiar with information requirements and to receive feedback on preliminary or conceptual proposals, if possible. Proposals should be detailed enough to provide a basis for input from review agencies but flexible enough to accommodate changes in structure, form and layout.
- Provide a synopsis of the stages which the application will go through. Within the context of the Time Frame Guideline, explain the time expectations for each phase and a list of the review agencies to which the application will be circulated for comments. This synopsis could take the form of a municipally produced procedures manual or flowchart which identifies the milestones in the review process, the roles and responsibilities of each player, and the time frames to completion.
- Encourage communication between the agencies and the proponent. Encourage the proponent to manage the project by following the proposal as it works its way through the circulation and review process. This proactive form of project management helps the proponent to stay on top of the specific application. The procedures manual or flowchart prepared by the municipality will be of great



assistance to the proponent in tracking the progress of the application. It should also reduce the number of times the planning office has to field enquiries from the proponent regarding the status of the application.

- Identify the municipal planner (and back-up) who will be responsible for tracking the application through the development review process, at both the upper tier and local levels, if applicable.
- Where applicable, let the proponent as well as the review agencies and departments, know that the municipal planning department plays the lead role in managing the administration of the circulation and review process. If and when problems arise in the review process, the planning department can play a coordinating role in problem resolution.

## **Keep to a Defined Schedule**

In order to keep the development review and approval process running smoothly, municipalities should consider the following initiatives:

- Establish clear time frames for all steps in the review process based on time frame targets and review these with the proponent.
- Identify the players at each step of the process and indicate to them their responsibilities in meeting these time frames.
- In the case of the review agencies, establish with each agency the clear expectation that they will meet the time frames for development applications which do not have any major policy conflicts and environmental concerns and are on municipal services. Ask that a request for more time be accompanied by an explanation of why additional time is needed. For example, an agency may have preliminary concerns for which further review is required. If no response is forthcoming within the allotted time, and no request for more time has been received, the agency in question shall be considered as having no

objection. Of course, in some cases a response from a review agency is vital and must be received. The municipality should actively pursue such comments.

- Reduce the amount of time from receipt of the application to initial circulation. As soon as the development application is complete and contains all supporting documentation it should be circulated. This may occur in less than 30 days.

## **Reassess how Development Applications are Circulated**

- Considerable time can be saved by allowing the proponent to transmit documentation directly to a pre-arranged circulation list agreed to by the approval agency. This method is most suitable where the circulation list is limited. For it to work effectively, the municipality, as the approval authority, will need to establish mutually agreed upon ground rules among the affected parties — the proponent, the municipality and the review agencies. A written guideline approved by the senior planning official or council, setting out the roles and responsibilities of all parties, is recommended.
- Use alternate methods of transmitting documents, correspondence and official response during the circulation and review period. The approval agency should actively encourage greater use of electronic means to convey information between municipalities and review agencies. Telephones, with written follow-up confirmation, facsimile machines and electronic mail are convenient time savers.
- In regional municipalities, avoid unnecessary duplication in the circulation process. This can be accomplished by transferring the responsibility for receipt and circulation of plans of subdivision from the Region to the local municipal planning department, where appropriate.



Where this has happened it would be the responsibility of the area municipality to check the application for completeness and to circulate the application to affected agencies, including the region. To ensure that there is no confusion as to who is responsible for approval, the application forms and circulation letter should state clearly that the upper tier municipality is the approval authority.

This approach can lighten the workloads of all circulated agencies and improve turn-around times. With one level of municipal government circulating the applications, there will be less confusion and a more predictable process for the proponent.

- In other regional settings, it may be more efficient for the regional planning department to circulate to the review agencies on behalf of the local municipality. The region would ensure that the local municipality is part of the process by requesting that circulated agencies copy the municipality (as well as the proponent) on all comments sent to the region.

## What to Circulate

- Make sure to circulate all available information that the proponent has submitted or provide a list of available information that review agencies can request.
- Cross reference adjacent or related applications. A review agency may have already undertaken a site specific inspection, established information requirements, and prepared a response to an adjacent proposal.



## GUIDELINE 3

# DECISION-MAKING

Decision-making can be streamlined in several ways. By consolidating applications and public meetings, decision-making becomes more focused and takes less time. By restricting review agencies' comments on applications to a single window of opportunity and by delegating approval powers and responsibilities, costly duplication of effort can be avoided.

### Consolidating Applications

Significant time savings can result from a standardized application form approved for use by both a local municipality and the upper tier municipality. In most instances where there are no major planning issues involved, it should also be possible for an official plan amendment (OPA), a subdivision application and a zoning by-law amendment to be processed together and circulated concurrently. Benefits of consolidated applications and review include:

- review agencies establish better continuity with development applications through the various stages of the process;
- review agencies see all the various approvals required as well as the specifics of the development application in question;
- the reviewer can make linkages between the development application, the planning document amendment and the end result, leading to more focused decision-making;
- some degree of standardization brought to the circulation process; and
- downtime reduced on an application so that a review agency does not "sit" on an application (i.e. OPA) while waiting to receive the related application (i.e. subdivision).

### Consolidating Public Meetings

Consolidate public meetings in those cases where no major planning issues are involved and where an application for subdivision requires an amendment to a planning document — either an OPA, a zoning by-law amendment, or both. *This measure is not intended to limit public participation.* On the contrary, it will serve to focus public input, allowing members of the public to see how the pieces fit together. It will reduce confusion by presenting policy issues surrounding the OPA and technical issues relating to the subdivision at the same meeting. The public input obtained at one meeting will be of more value to decision-makers. Make sure to explain technical issues in non-technical language which the public can understand and respond to.

### Determining Circulation to Review Agencies

Use professional judgement in determining circulation to review agencies. It may not always be necessary to circulate to all agencies which review planning applications. Consider who has an interest and who does not have an interest in the particular development proposal.

Most review agencies are involved at the official plan stage. It is the municipality's responsibility to ensure that the measures to address concerns expressed at the official plan level are implemented at the more detailed stages of planning, such as subdivision, rezoning, site plans, and grading and servicing plans. In some cases, a development proposal, such as a plan of subdivision, may be circulated to a review agency for information only because the



agency's interest is adequately reflected in the official plan or the concerns have been noted and reflected in the subdivision design and conditions of approval. This reduces duplication of circulation at many stages. The regulations in the Planning Act set out the circumstances under which applications must be circulated to specific agencies.

If pre-consultation and the consolidated application approach have worked effectively, most of the review agencies' concerns and requirements should have been addressed up front. The only confirmation then required from the review agency may be that their requirements and concerns have been included or addressed. Care must be taken to ensure that agency concerns are properly addressed. If they are not adequately addressed, the application may be refused or referred to the Ontario Municipal Board.

In addition, approvals or permits under other legislation may be required and the application should be circulated to agencies responsible for this legislation so that they can give their comments and approvals.

Exercise judgement in deciding which agencies should receive documents for comment (subject to the statutory and regulatory restrictions of the Planning Act). For example, there may be no reason to circulate a plan of subdivision to the Ministry of Agriculture and Food if the Ministry has already agreed to an urban designation in the Official Plan.

Another technique for managing the circulation list is to use maps which identify areas where an agency wishes to receive applications. For example, the Ministry of Natural Resources has prepared maps showing its areas of resource concern for some municipalities.

Once the circulation list has been determined, the proponent should be advised which agencies will be reviewing the application.

## Delegating Approval Powers

Consider delegating certain approval powers from council to senior planning staff as per Section 5 of the Planning Act. For example, where conditions of draft approval of a subdivision are not being contested, there may be no need to go to committee or council for approval. This can save council's time as well as staff time and resources. Municipalities that have delegated powers to senior staff realize significant time savings.

The approval authority should delegate approval powers for minor changes to site plans to a municipal official (usually Planning Department) where local staff expertise justifies delegation as per Section 41(13) of the Planning Act. Councils have the ability to delegate to a committee or official their site plan approval powers, except the power to define an exempt class. In most cases, minor changes to the plans should not require senior or political approval. Considerable time can be saved by allowing local planning officers with demonstrated experience to approve site plan agreements, consent documents and subdivision agreements.



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## GUIDELINE 4

# PROJECT MANAGEMENT

The municipality as the approval authority is central to the planning approval process. The municipal planning staff have first-hand knowledge of the community, the site and the proposal. As well, the municipality is the first point of reference for the proponent, the public and the review agencies regarding the application. For these reasons the municipality is in a strong position to “steer” the application through the review and approval process.

### Benefits of Managing the Circulation Process

There are a number of benefits for those municipalities that take a proactive or project management approach to their applications.

A proactive role:

- identifies the municipal planning department as the overall manager of the review and approval process;
- encourages review agencies to trust and respect the expertise of municipal officials;
- fosters a more predictable planning process by removing doubt and uncertainty for all parties about who is responsible;
- saves time for municipal staff and for the other participants; and
- generates a more positive attitude on the part of proponents and public towards the municipality, and sends a clear signal that it can manage and coordinate the process.

### The Project Management Role

Project management by the municipality goes beyond the tracking and expediting of the application done by the proponent. As one of the

key participants in the process, the municipality is in a position to:

- initiate and support pre-consultation;
- coordinate responses by the review agencies;
- encourage timely review by agencies;
- monitor progress; and
- resolve conflicts which may arise.

#### Initiate pre-consultation

Pre-consultation serves to identify problems at the initial stages and eliminate issues which could delay a response at a later date. The municipality can play a vital role by encouraging the review agencies and proponent to participate in pre-consultation. The municipality can also streamline the process by coordinating meetings and site visits, making sure that all relevant parties are in attendance.

#### Coordinate response by the review agencies

When an agency has no comment on the preliminary circulation, it is not necessary to circulate to them a second time. However, the agency should be given fair notice that precirculation may be the one and only circulation. If the proposal changes significantly, the review agency should be consulted. Similarly, if an agency has comments which in the opinion of the approval agency have been addressed, the review agency should be notified of this in writing and told that the application will not be circulated to them a second time. On the other hand, if review agency concerns have not been adequately addressed, it is the responsibility of

the approval authority to inform the proponent and suggest a way to deal with the issue.

Where review agencies copy their comments directly to the proponent, it is the responsibility of the municipality to clarify agency responses for the proponent. Proponents should be instructed to check back with the approval authority before acting on review agency comments. The approval authority should review the agency comments to determine if the comments of one agency may affect the comments of another. The approval agency should call and clarify the matter with the review agency directly.

### **Encourage timely review by agencies**

The municipal authority can encourage review agencies to exercise judgement in how they comment on routine development applications. If no comment is necessary and this can be determined quickly, it should not take long to respond. For example, "no comment" form letters sent by facsimile machine could be mutually agreed upon as an acceptable form of official response.

It should be possible to identify and remove non-essential conditions for draft approval of plans of subdivision. The municipality should meet with review agencies to discuss their standard list of conditions and reach agreement on those conditions which should be omitted for subdivisions. Similarly, agency conditions should be consolidated wherever possible.

### **Monitor progress**

The municipality needs to assign a contact person who is responsible for monitoring the progress of a project through the system. The purpose of this function is to ensure that the project does not get "lost" or delayed unnecessarily. In order to carry out this responsibility effectively, the contact person will need to know:

- where the application is at any given time;
- who is looking after it;
- what problems, if any, have been identified; and
- how the problems are being resolved.

Make sure the contact person is identified to both the proponent and review agencies.

### **Resolve conflicts**

In some cases, problems may involve more than simply inadequate information or missing studies. As a project progresses through the review system, differences may arise between agencies or between a review agency and the proponent. In this situation, the approval authority needs to be proactive in attempting to reconcile the differences between the other parties. Such a proactive approach will send a clear signal to both parties that the approval authority is serious about finding a resolution, preferably with a reasonable time frame. As well, leadership on the part of the approval authority to resolve conflict is more likely to bring about a solution.



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## GUIDELINE 5

# STREAMLINING OFFICIAL PLANS AND ZONING BY-LAWS

Streamlining the development approvals process is important. However, streamlining official plan and zoning by-law documents can also assist in the good management of the planning process.

“Streamlining” as it relates to planning documents is defined as the development of a planning document that reduces the need for unnecessary amendments, provides clarity and readability, while at the same time ensuring that the integrity of the document is maintained.

These Guidelines outline a number of approaches or techniques which can be used to streamline official plans and zoning by-laws as well as amendments to such documents. These recommendations are intended to have general applicability to most communities.

Why are streamlined planning documents better? Because they:

- improve the quality of decision-making by ensuring that resources are not diverted to the processing of unnecessary amendments and interpretation of confusing documents;
- create a more positive approach to planning by minimizing the perception of over-regulation;
- reduce the time involved in the processing of amendments and the costs related to such changes;
- improve the clarity of documents and their accessibility to the public; and
- return the focus of official plans to long-term planning where it belongs.

At the same time, however, streamlining is not intended to reduce the quality of official plans and zoning by-laws or their ability to guide development.

### Streamlining Official Plans

An official plan can take a wide variety of forms depending on the philosophy upon which it is based. In many cases plans have become detailed development control documents which are difficult to interpret and which do not so much plan for the future as reflect the “status quo.” Official plans which instead clearly set out the areas for growth can be instrumental in streamlining development review.

The following recommendations are intended to outline a number of approaches and techniques which can be used to improve the clarity and readability of official plans and reduce unnecessary amendments.

#### Clearly outline the official plan “vision”

Such a “vision” statement:

- provides a context for the development of more detailed policies, including any plan amendments;
- establishes a standard against which the appropriateness of such policies can be measured;
- reduces the need for amendments by allowing for a liberal interpretation of the plan, because the direction of the plan is easily understandable and any significant change in that direction will be evident; and
- ensures that all amendments are developed in the same context so that they “fit together” in a cohesive manner.

### **Use a writing style and document format which makes the official plan as accessible to council and the public as possible**

Many official plans are not used by council or the public because they are difficult to understand. Design the plan to make it as easy to read as possible:

- Keep paragraphs and sections short.
- Use point form.
- Put section locators at the top of the page.
- Simplify language.
- Increase white space around text for easier reading.

### **Update the official plan on a regular basis to reflect on-going experience**

A record should be kept of problems, such as ambiguities in the text, inappropriate land use designations, and frequent exceptions to the same policies. The official plan can then be updated on a regular basis.

### **Utilize general land use designations, with a range of permitted uses**

Generally there should be no concerns if a land use designation permits a wide range of uses provided appropriate policies are included to ensure compatibility. Zoning regulations can then be used to provide specific direction as to permitted uses in any particular area.

For example, it may be unnecessary to include more than two or three residential designations in an official plan. The policies can be used to establish criteria for the location of specific types of residential uses, including medium and/or high density development, to ensure compatibility with adjacent uses.

### **Establish amendment criteria**

Establish criteria in the official plan which determine whether an amendment is or is not

required. These criteria can be specific to each land use designation or general criteria for all amendments. Examples which would not require an amendment might include "office" consolidations and land use changes within specific designations. Other criteria should establish information requirements and specific parameters to which a proposal should conform.

Special attention should be paid to secondary plans to ensure that their detailed designations do not likewise necessitate constant amendment. For example, the general residential policies in the official plan can establish density categories for use in secondary plans, but provide that such categories can be modified or refined without an amendment.

Such criteria may not prevent amendments, but they will assist in making it clear when an amendment is absolutely necessary.

### **Avoid duplication of official plans**

Many municipalities are the subject of a number of plans (e.g., regional plans, local plans, secondary plans). Each plan should fulfil a particular function, and duplication of policies should be avoided.

In particular, the level of policy detail in some secondary plans is not always necessary, especially for existing stable residential and industrial areas. Therefore, the official plan should limit the areas for which secondary plans are to be prepared. For example, "greenfield" areas and major redevelopment areas may require secondary plans.

This approach reduces duplication, the need to process multiple amendments, and the need for more than one level of government to process similar amendments.

### **Reflect the information base available**

Sometimes official plans are developed in areas where information is limited on matters such as floodlines. Where the technical



information is limited, the official plan policies should permit appropriate uses subject to a zoning by-law amendment which establishes the technical details. This eliminates the need for an official plan amendment. As this background information is collected, it then can be incorporated into the official plan at the time of the five-year review.

### **Avoid the use of development standards**

An official plan is a policy document guiding the principles of land use. It is not a set of regulations and does not generally set detailed standards for development. These should be more appropriately set out in the zoning by-law.

### **Test policies before implementing them**

Policies should be carefully analyzed prior to adoption to ensure that they do not contain any implementation problems. For instance, official plans sometimes contain policies that are contradictory.

The review by council, the public and the development industry will uncover some concerns. Whenever possible the policies should be reviewed with planners who have development control experience to clarify the implications of policies and ensure that they will facilitate achievement of goals.

### **Avoid repetition - do not use two policies when one will do**

The drafting of any official plan or amendment can be a complex task and it is often very easy to lose sight of "the forest for the trees."

One result is that the same policy statement is repeated several times, although in a slightly different manner each time. This is confusing and can cause interpretation problems and subsequent amendments when one or more statements are compared.

Whenever possible state a policy direction only once and in as simple terms as possible.

### **Clearly identify contextual or background information and keep it to a minimum**

The inclusion of some background or contextual information in the official plan can be an important aid in understanding and interpreting the policies, and may reduce the need for amendments.

However, if such information is included in the plan:

- its status should be clearly identified to avoid any interpretation problems; and
- such sections should be kept up to date, or they may create questions about the validity of the policies which relate to the information.

### **Streamlining Zoning By-Laws**

Zoning by-laws are detailed development control regulations which can be several pages or hundreds of pages in length.

The specific regulations employed in by-laws mean that amendments will be required more frequently than for official plans.

Nevertheless, there are a number of approaches which can be used to reduce unnecessary amendments to the by-law. These approaches should also assist in simplifying these highly technical documents.

#### **Use simple style and format**

Use a writing style and document format which makes the document as accessible to council, the public, and the development industry as possible.

Zoning by-laws are the most frequently used of all local by-laws. There are great benefits in making them as easy to read as possible. The following techniques can be used:

- Cross reference.
- Keep paragraphs and sections short.
- Use point form.

- Put section locators at top of page.
- Use graphics.
- Use subheadings.
- Vary type fonts and sizes.
- Simplify language.
- Increase white space around text for easier reading.

### **Reduce the number of zones**

A review of most zoning by-laws indicates that there can be considerable overlap between the various zones, particularly with respect to uses. Planners who work with such by-laws should ask themselves whether so many zones are necessary and/or useful. Each zone should permit a range of compatible uses.

A reduction in the number of zones should limit the need for amendments.

For example, some by-laws have several commercial zones, such as “highway”, “tourist”, “severice” and “general” commercial. In many municipalities the distinction is unnecessary and one zone would be sufficient. This would avoid a zoning by-law amendment for an addition of a convenience store to a gas station, for example.

### **Tailor the zoning by-law to the needs of the municipality**

Many municipalities, particularly larger urban centres, require fairly complex by-laws because of the nature of the development which they are attempting to regulate.

However, this should not be the case for smaller towns or rural areas. For example, in some rural municipalities “minimum standard zoning by-laws” are quite sufficient to meet the needs of the community. Such by-laws may not have any zones and contain only the basic land use controls, including a minimum lot size and the number of buildings allowed on a lot.

Therefore, it is important in drafting a by-law, or up-dating an existing by-law, to consider:

- the type of development which the municipality must deal with;
- the level of development activity; and
- the administrative capabilities of staff.

There is no reason to put in place a “deluxe” zoning by-law when a simpler, more streamlined document will do.

### **Simplify the regulations**

Regulations such as the following are too complex and difficult to interpret. This leads to the need for amendments and increases the potential for legal challenges to the by-law.

#### *Example of a regulation which should be simplified*

“Notwithstanding this subsection, where a mixed-use building or a C1 building have dwelling units in the upper portion thereof have fewer than 25 dwelling units, not less than one-third of the aggregate of the parking spaces required to be provided and maintained pursuant to the foregoing provisions of this subsection shall, in lieu of being provided and maintained as required by those provisions, be provided and maintained in respect of all purposes for which the building is to be erected or used, and none of the parking spaces comprising the aforesaid one-third of the aggregate shall be assigned by the use of any sign, symbol or other means for the exclusive use of any individual or group, and no sign, symbol or other form of legend shall be posted within or at the entrance to the parking facility comprising the parking spaces that purports to restrict access to or the use of the parking spaces contrary to this subsection.”



## *Suggested simplification*

### *Building Type*

Mixed-use building or C1 building with less than 25 dwelling units in the upper portion of the building.

### *Parking Standard*

One-third of the required parking spaces for all the permitted uses for which the building may be used.

Note that the location of signs is not included in the zoning by-law, as it is more appropriately included in the municipal sign by-law passed under the Municipal Act.

### **Minimize exception zones**

Over time, in response to applications for development, many municipalities have established a number of exception zones for specific sites.

However, these exceptions tend to:

- add considerably to the complexity of the by-law making it difficult to interpret, administer and enforce; and
- require that future changes on the site will need further amendments.

Such exceptions may also be unnecessary if the range of uses permitted in the general zones is fairly broad.

Another option is to create an exception zone which is not limited to a specific site and can be used if similar circumstances arise again. The use of such a zone would still require a rezoning, but it would reduce the total number of zones and the complexity of the by-law.

### **Update the zoning by-law on a regular basis to reflect on-going experience**

A record should be kept of problems, such as ambiguities in the text and inappropriate zones, and frequent exceptions. The zoning by-law should be amended regularly to correct zone standards and to reduce the need for exceptions.

This process will avoid unnecessary rezonings which result from technical problems with the by-law.

### **Use holding zones or pre-zone where the principle of development has been established**

Where the principle of development has been established in the official plan for undeveloped areas, and major planning work such as infrastructure needs has been completed, it may be appropriate to prezone the area, with or without the use of a holding zone. This is particularly true if the lands have been the subject of a detailed secondary plan.

The holding zone ensures that premature development does not occur, and, although a by-law amendment is still required to lift the holding provision, it is subject to reduced notice requirements and appeals.

Ensure that development of lots of record which do not conform with the zoning by-law can still proceed

Often existing lots cannot meet the by-law regulations with respect to lot area, lot frontage or lot depth. The by-law could be written so as to permit the development of such lots provided other critical standards can be met, such as setbacks, height or lot coverage. This approach will reduce the need for by-law amendments while ensuring that development is appropriate.

### **Establish regulations to make existing buildings conform where appropriate**

In older developed areas in some municipalities — such as main streets — consideration should be given to making existing buildings conform to the zoning by-law. This can be done:

- through the establishment of setbacks which acknowledge the existing walls of buildings;
- by ensuring that the permitted uses reflect the existing uses, if such uses are deemed to be appropriate for an area;
- by ensuring that the density limits are representative of the area;
- by ensuring that minimum lot frontages are representative of the area; and
- permitting an existing non-conforming building to be reconstructed in the same location.



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## GUIDELINE 6

# AGENCY REVIEW PROCESS

During the review of a development proposal, as many as eighteen agencies may be involved. While most of the review agencies represent provincial ministries, the review process may also involve conservation authorities, health units, special purpose boards and commissions, school boards, utility companies, railway companies and federal agencies.

Delays in the circulation and review process cause wasted time and increased costs for the developer. This Guideline provides some suggestions which, if implemented, will help to make the review process more efficient for all reviewing agencies.

It is also recognized that insufficient pre-screening by approval authorities and incomplete applications add to the delays in reviewing applications. Other Guidelines directed at municipalities and proponents make it clear that they too, have a much more proactive role to play in ensuring that the planning system is not clogged with incomplete or inappropriate applications.

The intent of streamlining the agency review process is to minimize "downtime" for applications in the system by eliminating unnecessary duplication and other "time wasters" that have crept into the process. A more efficient review will also result in better relations with municipal staff and the development industry, and will provide more time for agencies to spend on contentious proposals.

There are a number of relatively straightforward initiatives that review agencies can take to reduce unnecessary delays in the review process. They include:

- improving communications;
- setting out clear standards for approval;
- streamlining procedures;
- managing circulation;
- delegating decisions;
- participating in pre-consultation;
- evaluating the extent or scope of review required; and
- improving staffing priorities and assignments.

### Improving Communications

Time spent in improving communications can result in major dividends by helping to reduce frustration levels and avoid time-consuming misunderstandings. In the context of the plan review and approval process, effective communication means letting the other participants know:

- what your requirements are;
- who the contact is at your agency; and
- where the application is in the process.

### What is required?

Agencies should have a clear set of standards and approval requirements which will allow proponents an understanding of agency expectations as they may apply to any given project. Guidelines containing agency standards and requirements should be made available to municipalities so that they can inform the proponent what is required up front. Guidelines should be made available during pre-consultation with the proponent. The standards and requirements should ensure consistency of review among agency staff.

In addition to guidelines, a comprehensive listing of completed studies can avoid unnecessary duplication of studies, as well as notifying the proponent whether additional studies are necessary. Where this type of information is available, ensure that the approval authority and proponents are aware of the existence of the data base.

### **Who is the contact person?**

Provincial agencies are large organizations. In most cases the municipal authority and the proponent deal with review agencies by telephone. Assigning one staff person to act as the contact for a particular application is a prerequisite to effective communications. This technique “puts a face” on the organization for the other parties, reducing frustration and saving time in repetitious explanations and review.

### **Where is the application?**

The approval authority and the proponent need to know where the application is in the review process. Changes in scheduling for an agency can affect more than just workload for the other parties. For proponents, unforeseen delays can mean additional interest costs and, in some cases, a complete refinancing. It is especially important for proponents to be informed in a timely manner when changes are required.

The following tips can help review agencies improve communications by more effectively tracking applications from draft through to approved document status:

- Provide early notice to the proponent about concerns which need to be addressed or additional information which is required.
- Send a copy of the comments to the proponent at the same time as they are being submitted to the approval authority.
- Consider phoning the approval authority and/or proponent if the comment letter identifies additional information requirements.

## **Streamlining Procedures**

The key to streamlining procedures is to manage the process. This involves establishing time frames for each agency operation and developing the management tools to make them work. By making relatively small changes in administrative procedures, the overall review process can be made more efficient and effective.

Small details such as the time taken to type a response letter are important. Where the time between verbal approval and receipt of a typed certificate of approval is measured in weeks instead of days, the proponent becomes understandably frustrated.

Office procedures and techniques can be improved by using the following general approaches:

- setting priorities and categorizing applications;
- eliminating unnecessary work; and
- reducing “downtime”.

### **Setting priorities**

Making all applications wait in the same “line” whether or not they require a comment, just adds to the apparent work load and frustrates proponents. Straightforward applications which are consistent with established policies should move through the system quickly. Setting priorities and categorizing applications enable a review agency to deal quickly with applications and reserve precious time for problematic issues.

One agency, for example, pulls out the applications which do not need a review and turns around the “no comment” responses within three days of receiving the file. Another agency simply stamps “no comment” directly on the original letter of request for comment before returning the application to the approval authority.



## **Eliminating unnecessary work**

A careful examination of any business operation can reveal unnecessary steps. In the context of plans approval, eliminating unnecessary work not only speeds up the review process, but also frees up staff time to deal with problems and issues that are central to the agency's mandate. For example, using standardized response forms filled out by the plan reviewer saves two steps: composing the response letter and typing it. Being concise in your responses saves time. Conclude your response with a specific recommendation, requirement or direction for the approval agency. Issues that arise which are outside your agency's mandate should be left to the appropriate review agency and approval authority.

## **Reducing "downtime"**

Any time when an application is in transit or is just sitting on someone's desk is downtime. By careful project management and use of time savers, the amount of downtime can be reduced and the overall length of time that an application is in the system can be shortened. The use of a facsimile machine is a good example of reducing downtime. Bring-forward systems and effective filing systems also reduce inefficiencies. Pre-screening of submissions, perhaps using a checklist, should be carried out to determine if all necessary studies have accompanied the circulation. If not, the proponent can be notified right away of missing information, and the application will not sit for a lengthy period.

## **Circulation and Coordination**

Eliminating unnecessary circulation simplifies the agency review process. In some cases agencies may decide that they no longer need to be involved in plan review in certain areas or for specific application types. In other instances better coordination between the region and local municipality could eliminate duplicate

circulation to the same agency. Review agencies should also review their own requirements. Assess whether it is really essential, for example, for plans to be circulated to both regional and central offices, and advise the approval authority of changes in their circulation requirements.

## **Participate in Pre-Consultation**

Pre-consultation by the proponent and the approval authority with review agencies can save time for all concerned later on in the process and result in a better quality product. This preliminary review should serve to identify for the proponent:

- those studies which have been done on the neighbouring property or properties;
- what additional studies are required;
- any requirements that may need to be coordinated with those of other agencies.

Pre-consultation on large, complex proposals is most effective when all agencies can participate in a meeting to identify needed studies and share their concerns. Where it is not practical for agency representatives to meet together, informal individual contact by the proponent can be a benefit in clarifying requirements.

## **Delegation**

At the agency level, applications may be held up when all decisions have to go through the reviewer's supervisor or director. Delegation is an effective way to make the best use of staff time — freeing up time for the most experienced personnel to deal with particularly difficult issues. Delegation is widely recognized as an effective management tool that results in a more effective operation.

Agencies may wish to consider delegating or transferring some of their plan review responsibilities to the municipal approval authority where the municipality has sufficient expertise and where permitted by statute. Municipalities

may have staff archaeologists, heritage preservation experts, or noise experts for example, who can review applications in their areas. Municipal staff can often receive training in such areas from agencies and assume responsibility for protecting agency interests. Delegation can provide for local solutions, better customer service and speedier review and approval.

## Staffing Assignments

There are some staff functions that need to be provided in the review process beyond actually reviewing applications. Sufficient staff should be provided in order to:

- allow for pre-consultation;
- establish a definite contact person for the project; and
- follow up on agency comments.

Pre-consultation should be an agency priority since it will save time for all participants later on in the process. Assigning a contact person for each project can actually save staff time by avoiding duplication and unnecessary review

within the agency. Once an agency has made a decision on a project, it is important that sufficient staff time be allotted to back up the decision with other authorities such as the Ministry of Municipal Affairs or the Ontario Municipal Board.

For most offices today the information explosion has led directly to a workload explosion. The almost automatic response on everyone's part is to ask for more staff. In some circumstances there may be genuine staff shortages, but setting priorities for activities often results in efficiencies. In many cases, by working more strategically, staff time can be freed up to take on new tasks that improve the quality of service.

## Monitoring

Any revisions to long-standing practices must be monitored on an ongoing basis to ensure that the expected results are attained. Each agency needs to evaluate their progress in meeting established time frames. Regular monitoring allows a thorough analysis of the blockages which remain in the system, and allows for performance improvements to be identified and implemented.



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## GUIDELINE 7

# THE PROPONENT'S ROLE

As communities change and grow, the way land is used changes to meet emerging needs and demands. Central to this process is the role of the proponent. This is the person (or company) who purchases and assembles property, develops a plan for its new use and arranges for the necessary approvals from the municipality. A proponent's project may be large or small, and it may involve new development or redevelopment, such as residential intensification.

### Approaching a Complex Process in a Professional Manner

As in any business, bringing a project in on time and on budget is essential to success. Whatever the size or resources of the development company, all proponents or their agents must submit their proposals to a review and approval process that can be complex and time consuming. Unnecessary or unforeseen delays can affect the financial viability of a project and prove a costly learning experience. As well, delays for one application create logjams that slow down all the other applications in the system, adding to everyone's expense and frustration.

The best insurance of success is for every proponent to approach the development process in a knowledgeable and professional manner. The first step is to understand just what is involved in the plan review and approval process.

### What's Involved

The system of planning in Ontario has evolved as a means of balancing community and private interests in the use of land.

The community's aspirations are reflected in its official plan, which is intended to guide development. In Ontario, the intention is for all municipalities, both rural and urban, to develop official plans. These should be reviewed and updated periodically. The Planning Act requires municipalities to hold a public meeting every five years to determine the need for revisions to the official plan. Both the initial development and periodic review of official plans involve considerable opportunity for public participation.

For the property owner who wishes to develop a piece of land, there are several types of planning approvals that may be required. Often approvals may be dealt with concurrently.

- An *official plan amendment* may be required if the proposed development does not conform to the policies or land use designations in the official plan. For example the designation of a property may be changed from industrial to commercial.
- A *zoning by-law amendment* may be required to rezone the property. The zoning could be changed from residential to neighbourhood commercial or changed to revise the standards that apply to a site, such as the number of parking spaces that need to be provided.
- A *plan of subdivision and subdivision agreement* may be needed to subdivide land into lots for development.
- *Other approvals* that may be required include consents, minor variances and site plans under the Planning Act, as well as permits or approvals under other legislation, such as the Environmental Protection Act, Lakes and Rivers Improvement Act, and Highway Act.

Each type of planning approval will have a different set of requirements and steps to be followed. The time necessary to complete these approvals will vary based on the complexity of the proposed development. The review of contentious applications may take longer. It is important for proponents to understand that they can shorten the time frame by ensuring completeness in their applications and studies.

Experienced proponents check with the local municipality and review agencies to determine their requirements before purchasing land or making major expenditures on development proposals.

## Who's Involved

First, there are the proponents. They are the parties who initiate the development and redevelopment. To the proponent, the municipality is the most visible approval body; it is charged with the responsibility of seeing that new development meets the official plan and other planning requirements. In some cases, the county, region or Ministry of Municipal Affairs is the approval authority. In addition, there are a number of review agencies at the regional and provincial levels whose requirements must be met and who provide comments on the application to the approval authority. The list of reviewing agencies will vary according to the application, but can include the following:

### Provincial Ministries and Agencies:

Agriculture and Food  
Culture and Communications  
Energy  
Environment  
Municipal Affairs  
Natural Resources  
Niagara Escarpment Commission  
Transportation

### Other Agencies:

Bell Canada  
CN Rail  
Conservation Authority  
CP Rail  
Health Unit  
Ontario Hydro  
Public Works Canada  
School Board  
Transport Canada

Finally, the public, through representation to the municipality, the region, and the province, has a voice in the course of planning approvals. The Planning Act mandates the opportunity for the public to comment at certain points in the approval process. However, experienced proponents try to consult with the public and review agencies in advance of submitting applications as well as throughout the process. This can minimize costly delays.

## A Professional Approach to Development

Understanding the scope and complexity of the development review and approval process reinforces the need for a professional approach to each and every development application — no matter how large or small the project. While large firms may use in-house expertise in areas such as planning, law and finance, smaller companies can still achieve a professional approach by using the same techniques that work for the experts. A useful approach for the proponent involves the following four steps:

- pre-consultation with local authorities and review agencies;
- public consultation;
- presenting a professional and complete application; and
- project managing the circulation and review process.

*These steps are the subject of the next four Guidelines in this series.*



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## GUIDELINE 8

### PRE-CONSULTATION

For many people in the development industry, the excitement of the process is in seeing ideas and plans take shape, first on paper and then in three dimensions. In the early stages of a development, there is a natural tendency to rush ideas into print to get a proposal before the approval authority as soon as possible. However, as with most projects, time spent up front in preparation pays off in a smoother, more efficient process during the later stages.

For the development process, this means taking the time to consult with the local approval authorities and provincial review agencies at an early stage — as your concepts begin to be transferred to paper. Pre-consultation when built into the design process, is beneficial. It can be used to:

- determine the requirements of local and provincial authorities (this will be helpful in determining the best form for the development);
- identify constraints (either natural or man-made) relating to the site;
- begin any necessary background work as soon as possible;
- examine the official plan to assess whether your proposal fits in with the long-term objectives;
- determine whether the official plan and/or zoning by-law need to be amended;
- develop an understanding of the approval process in that particular municipality; and
- be more effective and efficient (save time and money).

As well, consulting with local authorities and review agencies early in the process has sever-

al intangible benefits. It establishes a spirit of cooperation from the start, and it enhances the professional image of the proponent while conveying to the local authorities and review agencies that their input is valued.

#### Effective Pre-Consultation

Following a few simple guidelines will ensure that pre-consultation is both effective and efficient. First, be clear about your objectives. Pre-consultation allows you to identify the rules, players and potential problems, and to set the tone for future dealings with the approval authority.

Secondly, consult at an early stage in the development of plans while there is some flexibility and changes can still be made. This is especially important if you plan to meet with surrounding neighbours who may have concerns about the development.

Thirdly, recognize that procedures will vary from municipality to municipality. In Ontario there is considerable latitude for municipalities to handle the approval process in the way that suits them best. Procedures may vary, depending on the type of municipality, from a rural township to a regional government. As well, approval for official plan amendments, subdivisions and condominiums may come from the municipality, or come from the county or region, or from the province — or a combination of these.

Finally, whatever the circumstances, it is important to be professional at all times. The proponent who is courteous and thorough and who does not waste other people's time will find fewer problems at each stage in the process.

## Steps to Effective Pre-Consultation

The first step in pre-consultation is to identify and contact the appropriate officials of the municipality — usually staff in the planning department or development department who handle applications. Small municipalities may not have planning staff but handle applications through the clerk, employing a planning consultant for technical advice.

Next gather information on the procedures and requirements of the municipality. This will answer questions such as:

- What form should the application be in? How many copies are needed?
- What studies are usually required?
- How is the application reviewed at the municipal level?
- Who are the review agencies?

With this information in hand, you will then be able to address questions relating specifically to your site. For example, does your proposal comply with the official plan? Does it meet the requirements for permitted uses, density, compatibility with surrounding uses, and any standards that may be set out? How can it be redesignated to best fit with the official plan? If it cannot be redesignated, would an amendment to the official plan be appropriate, and would the municipality consider it? If a new official plan is under consideration, how will it affect your proposal? It is also necessary to ensure that your proposal complies with municipal zoning, and if not, whether the municipality would consider a zoning by-law amendment.

The next step is to identify potential problems and special areas of concern relating to the proposed development, such as:

- Should alternative road patterns be considered?
- Is a school site required?
- Is there sufficient municipal water and sewer capacity to service the development? Alternately, if wells and septic systems are proposed, are the soil and drainage conditions capable of supporting them?
- Is the site likely to have a high potential for archaeological remains?
- Was the site previously occupied by an industrial use?
- Is development compatible with surrounding land uses?
- Are there environmentally significant or sensitive features on or adjacent to the site?
- Is the proposed development located in a floodplain?

These questions can best be answered through discussions with the appropriate staff of the municipality and the review agencies.

The municipality may also have special approval requirements, depending on the type of development proposed. For example, site plan approvals are required in some municipalities for multi-family developments. The municipality may also have by-laws relating to sources of noise and odours and other considerations that could affect the development.



# GUIDELINE 9

## PUBLIC CONSULTATION

Public consultation is one of the most effective tools that proponents can use to improve the planning approval process. Experienced proponents have found that time spent up front on consultation can result in smoother approvals later in the process. While no process can guarantee full community support, in many instances public consultation will save time and money and enhance the proponent's reputation.

### Steps to Effective Public Consultation

#### 1. *Start early*

Make public consultation a part of the development process from the outset. Do not leave it as an afterthought. Public consultation should begin when plans are still flexible and open to change — when there is adequate time for genuine dialogue. As well, participants in the public consultations will need time to study the plans and prepare a thorough response.

#### 2. *Identify affected/concerned individuals and groups*

The number of individuals or groups affected will vary depending on the scope of the project. For small scale, straightforward applications, only surrounding neighbours may be affected. For larger projects, factors such as land values, traffic patterns and school enrolments will affect a broader community. The municipal approval authority should be able to comment on who may be affected. As well, the clerk will be able to provide contact names for appropriate ratepayer groups. In order to address the

concerns of the local public, first identify the individuals and groups who might be affected by your plans and then establish a mechanism for meeting with them early in the process.

#### 3. *Provide factual information*

Having identified the people you will need to contact, the next step will be to provide information about the project. The manner of presenting plans to the public could vary from a simple factsheet with a line drawing to a complete scale model of the proposed development. The size of the project and the number of people involved will help to determine how best to package the information. The choice of presentation materials will also be affected by whether the information will be presented at a large public meeting or in a neighbour's living room.

Whatever materials are used, they should describe the project in lay terms, demonstrating that you have anticipated its impact on the community.

#### 4. *Identify the basis of concerns and objections*

In addition to providing information, consultation with individuals or community groups should also serve to identify concerns. It may be a natural response to rush to the defense of a project on which you and your team have spent months of preparation. But it is more important at this stage that you "actively listen" to the community in order to identify and record community concerns correctly.

This phase of the public consultation could be accomplished in a number of ways,

depending on the size of the project and the nature of the community. Individual visits to neighbouring property owners, meetings with the executive of local ratepayer groups, informal “living room” meetings in the neighbourhood or a public information meeting are some examples of vehicles for gathering information on community concerns.

During this phase, help individuals to articulate their specific concerns about the project, acknowledge their concerns and ask for their recommendations. Again, your role at this stage should be one of the “active listener” rather than negotiator. Your intent is to involve the community in solving the problems they have identified, not to defend your original plan.

#### 5. *Respond to community concerns*

Reporting back to the community is an essential step in the consultation process. By reporting back you will be able to:

- demonstrate that you have heard the community’s concerns; and
- identify the changes you have made that satisfy the concerns.

It is important to report back even on those items where changes were not made. Giving reasons for accepting or rejecting community input shows respect for the consultation process, acknowledges the community’s contribution and maintains open lines of communication with the community.

## Examples of Public Consultation

Public consultation activities can range from simply visiting adjacent property owners to actually developing plans with a neighbourhood committee over a period of several months. The examples below illustrate several successful approaches that have been used in different situations. When working out your program for public consultation, tailor it to suit the size of

your business and the size and type of development being proposed.

1. On a small project in Eastern Ontario, the principal of the development firm personally visited all the property owners bordering the site of the proposed development to explain his plans and to address concerns. When it came time for official approval the development application met with no objections.
2. In an area of extensive new residential development, a residents’ association was formed in the first portion of the area to be built. The owner of several adjoining development sites worked closely with the residents’ association to develop plans for the balance of the area.
3. An urban infill project with 200+ apartment units was designed through an extensive process of public consultation that involved four significant revisions to the plan.
4. Although not strictly public consultation, showing consideration for special features on the site can work wonders for the corporate image and also help to smooth the way for approvals. One Ontario proponent was surprised to find archaeological evidence of an early settlement when his crew began site preparation. They arranged an archaeological “dig” at the site before any requirements were imposed from outside. The community was advised and involved in the dig. In this way, the archaeological requirements were met, the company was seen as “doing the right thing” and the development could still be completed on schedule.

Human nature is unpredictable at best and even the most thorough public consultation program is no guarantee for automatic approval of your plans. Citizens may still present their views to the local municipality, the region or even the OMB. However, development professionals who have used public consultation are convinced that overall benefits of smoother approvals and improved corporate image make the effort entirely worthwhile.



# GUIDELINE 10

## IMPROVING APPLICATIONS

Depending on the circumstances, an application to develop a property may require an official plan amendment and a zoning by-law amendment, and in some cases a subdivision approval. Whatever the circumstances, a clearly presented, complete and thorough application can smooth the way for a speedier evaluation of your proposals.

Until the project is actually built, the application is the primary communication tool — representing the project to all agencies involved in the review and approval process. A clearly worded and complete application will reduce delays caused by misunderstanding or lack of information.

Applications are usually prescreened by the approval authority for such matters as completeness, required supporting information and conformity with the general intent of the official plan and provincial policies. Incomplete applications may be returned to you indicating what information is missing. This means that you will have lost the time it takes to submit the application and you will have used up valuable time which could have been used in processing complete applications.

### Ensuring a Clear, Concise and Complete Application

Considering the number of players involved in reviewing your plans, the benefits of a clear, concise and complete application are obvious. Extra time spent at the outset to make your application complete in every respect will pay off later in a smoother and faster review. Anticipating the information required by the various review agencies and including it with the application will avoid duplicated effort later in the

process. Finally, putting your best effort into the application will present it and your company in a more positive and professional manner.

### Typical Problem Areas for Plan Reviewers

Staff who review applications report that similar items are omitted in many different applications. Typically, there is insufficient detail relating to:

- the site plan;
- type of servicing proposed;
- exact location of the property;
- boundaries of the property;
- natural features of the site including contour lines;
- land uses on adjacent properties and in the vicinity;
- previous land use on the proposed site; and
- the name, address and phone number of the proponent or agent knowledgeable about the application.

Some review agencies prepare their comments following a visit to the site of the proposed development. It is critical to provide sufficient information both on the application and on the site that enables reviewers to identify the proposed development on the ground. Suggestions are to include on the site plan features of the site such as buildings, trees, fences, rocks and other prominent features. Key aspects of the proposal should be identified on the site, such as lot lines and building envelopes, using stakes, signs or flash marks on trees. In addition, in some parts of the province, winter conditions may prevent a site visit until spring.

Make sure that the application form is complete in every respect and that your plan drawings include all the necessary information. If you are uncertain about what is required, clarify it with the approval authority before submitting the application.

Another typical problem area relates to additional studies that are required. Review agencies report that submissions often do not state clearly what additional information is being prepared and when it will be ready. Without this information, the review agency staff must spend additional time to study the application, determine what is required, and contact the proponent to track it down. The best solution to this problem is to provide all the appropriate studies with the application. Where this is not possible, a list of studies being undertaken and when they will be ready should be attached to the application or covering letter. In many cases, circulation of the application to review agencies will not occur until key studies are available. In particular, background or justification reports, drainage plans, servicing reports or environmental impact analyses.

## Improving the Application

In addition to dealing with the typical problem areas, there are a number of ways in which the application can be improved.

- Determine the appropriate application form and make sure it is filled out completely. Depending on the type of application, the form may be available from the local municipality, the region or from the Ministry of Municipal Affairs.
- Ask the approval authority about any part of the application you are not sure of. Make sure you know exactly what is required before submitting the application. In some cases, providing more than the minimum will help to speed up the review process. For example, providing a complete environmental evaluation of the property, (e.g., checking

for closed disposal sites, soil quality problems, etc.) will enable the review agency to comment directly.

- Provide an appropriate number of copies of both the application and any plans and related studies.
- Include a note or memo regarding the status of any studies that are not attached. Identify the type of study and when it will be available. This enables the reviewer to get a quick “snapshot” of the application and assess whether all necessary studies have been arranged.
- Provide a summary sheet that gives an overview of the entire proposal. In a brief reading, the reviewer should be able to assess the present situation of the property, the proposed changes and how they will affect adjacent areas. This will enable the reviewer to focus quickly on the content of the application.
- Provide a cover letter or memo relating the application to meetings held to date and noting what stage it is at in the review process. Also indicate whether local agency circulation has occurred. These steps will remove any uncertainty on the part of the reviewer as to where the application is in the process and who has seen it.
- If possible, consolidate the applications for the zoning by-law amendment, official plan amendment and plan of subdivision. If these can be submitted together, it will save the time of going through the review process several times for the same property. As well, if more detailed plans are provided at the initial approval phase, it will be easier for approval authorities to visualize the implications of the new development and to anticipate any potential problems. Usually, a combined application is suitable if the project doesn't involve a major shift in policy for the approval authority.



- Consultants can prepare drafts for zoning by-law amendments, official plan amendments, or any other draft documentation. This can often serve to speed the time spent in processing the development application through the approval process.
- Consider binding the application and all supporting information and studies into one binder, with appropriate tabs and a table of contents. This will make handling the application documents much easier and it will ensure that related studies don't go astray.

## Checklist for an Ideal Application

The eventual package of documentation accompanying an application can be quite extensive, including a draft plan, application and supporting documents. To ensure that nothing essential has been left out, it is helpful to make use of a checklist like the one below.

- Name, address and phone number of proponent
- Name and phone number of key contact person representing the proponent
- A clear location map
- Key map
- Date prepared
- Date of revisions
- Standardized geocoding
- North arrow
- Cover letter describing which approvals have been obtained for the property
- Executive summary
- Scale of all maps including key map
- Legal description of property
- Checklist cover sheet indicating which information is included and which is missing
- All supporting studies or note indicating when they will be ready.

# GUIDELINE 11

## MANAGING THE APPLICATION

With a process involving many agencies and individuals, there is a good chance of unnecessary delays caused by missing information, misunderstandings, poor communication, or just plain human error.

### A Proactive Role

A clear, concise and complete application can help to speed a project through the approval process. Proponents can also help to streamline the approval process by taking an active role in steering the application through the system. By taking a project management role at each step in the process you can identify concerns, logjams and mix-ups when they occur. This enables you to respond quickly to the problem and provide any additional information without delay. As well, taking a proactive role will enhance your firm's professional image and create a favourable climate for future applications.

### Effective Project Management

The purpose of using a project management approach is to ensure that your project does not get delayed unnecessarily — that all is going smoothly at every step of the way. In order to do this you will need to “track” the application to know:

- where your application is at any given time;
- who is looking after it;
- what problems, if any, have been identified; and
- how the problems are being resolved.

### Tools and Techniques

Project managers have developed a number of tools and techniques to assist in this task of “tracking” and expediting. Some use a “bring forward” file to flag when they should call back a particular agency to check on process. Others use a separate “log-book” for each project where they record the date and contents of any phone calls relating to the project. For others, a simple cover sheet on the file folder can list the date, name, position and phone number of the person contacted.

Whatever techniques you use, you will want to be on the lookout for problems which could cause delays. It is not enough to know that the “file” is on someone’s desk. Is the appropriate person dealing with it? When will they get to it? What concerns do they have? At this stage, expediting is a bit like being an investigative reporter — persistence helps. But do not overdo it. Respect the workload of the reviewer.

In a few cases, straightforward expediting may not be enough. Delays can occur when different agencies have conflicting views or when an agency suggests an amendment that the proponent does not agree with. Playing agencies off against each other does not work. Try and bring the conflicting agencies together or seek assistance from the municipal, regional or provincial authorities. Many of these agencies offer a conflict resolution service.























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